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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,986	12/06/2002	Bradley M. Richards	, IN-5533	4523

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EXAMINER

GARRETT, DAWN L

ART UNIT	PAPER NUMBER
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1774

DATE MAILED: 02/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/065,986

Applicant(s)

RICHARDS ET AL.

Examiner

Dawn Garrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 5-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 5-13 is/are rejected.
- 7) ☒ Claim(s) 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12-6-2002 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on November 26, 2004 has been entered.

Response to Amendment

2. This Office action is responsive to the amendment dated October 8, 2004, which has been entered as instructed in the Request for Continued Examination dated November 26, 2004.

Claims 1 and 5-8 were amended. Claims 2-4 are cancelled. Claims 9-14 have been added.

Claims 1 and 5-14 are pending.

3. The objection to claim 1 set forth in the Office action mailed August 20, 2004, paragraph 2, is withdrawn due to the amendment.

4. The drawings remain objected to for the reasons set forth in the Office action mailed January 23, 2004, paragraph 1.

5. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

6. The rejection of claim 2 under 35 U.S.C. 102(b) as being anticipated by Rosa et al. (US 5,518,561) is withdrawn due to the cancellation of claim 2.

7. Claims 1 and 5-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rosa et al. (US 5,518,561). Rosa et al. teaches a graphic display (see front page). The EL lamp layer (16)

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of figure 2 reads upon the instant “color providing film layer” and comprises electroluminescent material (see col. 4, lines 1-14). The translucent film (18) reads upon the instant “mid-coat film layer” formed on the color providing film (see figure 2 and col. 4, lines 19-24). The protective layer (24) depicted in figure 2 reads upon the “at least partially-transparent clearcoat film layer” (see figure 2 and col. 3, lines 61-67). The EL lamp is disclosed as being energized with electric current (see col. 4, lines 16-19). The EL lamp, translucent film, and protective layer are disposed on adhesive (26) (see figure 2). The EL material of the EL lamp (16) is comprised of a composition of luminescent particles and resin (see figure 3) (see also col. 4, lines 8-10). Instant claim 5 is considered to be a product by process limitation (see MPEP 2113). The translucent film (18), which reads upon the instant “mid-coat layer” comprises an inked image per the instant claim 6 limitation requiring an opaque pigment for selective masking of the color providing film layer (see figure 2 and col. 4, lines 20-24). Per instant claim 7, the inked images are disclosed as capable of having light pass through the images (see col. 4, lines 35-40). Rosa et al. discloses an adhesive is used to adhere the flexible lamp to the support surface (the vehicle) (see col. 3, lines 65-67) per instant claim 9. The electroluminescent layer is formed of a composite per the instant claim 10 requirement of a color-providing film formed from a composition (see col. 4, lines 8-14). The lamp is lit by a power source from a battery and/or the vehicle electrical system per instant claim 11 (see col. 5, lines 29-37).

8. The rejection of claims 1 and 2 under 35 U.S.C. 102(b) as being anticipated by JP 11-059267 is withdrawn due to the amendment.

9. The rejection of claim 2 under 35 U.S.C. 102(e) as being anticipated by Abe et al. (US 6,441,551) is withdrawn due to the cancellation of claim 2.

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10. Claims 1, 5, and 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Abe et al. (US 6,441,551). Abe et al. discloses an electroluminescent device and apparatus. In Figure 3, layer (8) is a luminescent layer comprising luminescent particles, which reads upon the instant “color-providing film layer” per instant claim 1 (see fig. 3 and col. 5, lines 12-65). In Figure 3, the transparent conductive layer (2) reads upon the instant claim 1 “at least partially-transparent mid-coat film layer” (see figure 3). In Figure 3, the filter layer (9) reads upon the instant claim 1 “at least partially-transparent clearcoat film layer” (see figure 3 and col. 8, lines 13-17). The electroluminescent device is connected to an electric power source per instant claim 2 (see col. 2, lines 1-21). The luminescent layer is formed from a combination of paint and luminescent particles (see col. 5, lines 25-65) per the instant claim 10 requirement of a color-providing composition applied to said substrate. Claim 5 is considered to be a product-by-process claim (see MPEP 2113). The Abe et al. device may be part of an automobile instrument panel (see col. 11, lines 62-67). The power source may include batteries or an alternating current source is supplied to the device from a power line through an inverter (see col. 10, line 66 to col. 11, line 9).

11. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Abe et al. (US 6,441,551). Abe et al. is relied upon for the rejection of claim 1 as set forth above. Abe et al. teaches a luminescent layer (8) (see figure 3) which reads upon the color-providing film of claim 1. Abe et al. fails to teach specifically the luminescent layer comprises further “an at least *partially-transparent pigment* in combination with said electroluminescent phosphor”. Abe et al. does teach further kinds of particles in addition to the luminescent particles may be used in the luminescent layer such as particles of glass and coloring materials (see col. 7, lines 57-60). It

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would have been obvious to one of ordinary skill in the art to select transparent glass and further coloring materials including partially transparent pigments to use with the luminescent particles, because Abe et al. teaches such further components may be selected for the luminescent layer.

Allowable Subject Matter

12. Claim 14 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art fails to provide for primary and secondary induction coils intertwined with a color-providing film in combination with the other required components of the coating system.

Response to Arguments

13. Applicant's arguments filed November 26, 2004 have been fully considered but they are not persuasive. With regard to Rosa et al. and Abe et al., applicant argues the references fail to teach a power source as currently set forth in the claims. Both Rosa et al. and Abe et al. disclose power sources such as batteries and/or vehicular electrical systems generating alternating current, which are deemed to read upon the claimed power source.


Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dawn Garrett whose telephone number is (571)272-1523. The examiner can normally be reached Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Dawn Garrett
Primary Examiner
Art Unit 1774

D.G.
February 9, 2005